

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROOFERS LOCAL 149 SECURITY  
BENEFIT TRUST FUND, *et al.*,

Plaintiffs,

Case No. 05-60218

v.

Hon. John Corbett O'Meara

MILBRAND ROOFING GROUP, INC., *et al.*,

Defendants.

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**ORDER DENYING MOTION FOR ENTRY OF  
PARTIAL JUDGMENT AGAINST DEFENDANT JON K. MILBRAND**

Before the court is Plaintiffs' motion for entry of partial judgment against Jon K. Milbrand, filed March 27, 2007. No response was filed. Plaintiffs request that the court enter partial judgment against Milbrand for unpaid fringe benefit contributions for the time period of July through September 2005. The court granted summary judgment in Plaintiffs' favor on these claims on March 14, 2007. The court denied Plaintiffs' motion for summary judgment with respect to Plaintiffs' claim for fringe benefit contributions for December 2005. In this respect, Plaintiffs' claims against Milbrand have not been fully and finally adjudicated.

Plaintiffs have not cited any legal authority for the entry of a partial judgment at this stage of the proceedings. Moreover, the court is not persuaded that the entry of a partial judgment against Milbrand is proper. See Fed. R. Civ. P. 54(b) (final judgment may be entered on fewer than all claims or against fewer than all parties "only on an express determination that there is no just reason for delay"); see generally 10 Charles Alan Wright, et al., Federal Practice and Procedure § 2656 (3d ed. 1998) (discussing general requirements for entry of judgment pursuant to Rule 54(b)).

Accordingly, IT IS HEREBY ORDERED that Plaintiffs' motion for entry of partial judgment against Defendant Jon K. Milbrand is DENIED.

s/John Corbett O'Meara  
United States District Judge

Dated: July 2, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, July 2, 2007, by electronic and/or ordinary mail.

s/William Barkholz  
Case Manager